

REMARKS

Examiner Interview:

Applicant's undersigned representative sincerely thanks the Examiner, and the Examiner's supervisor, for conducting a telephonic interview to discuss the above referenced application.

During the interview, Applicant's undersigned representative discussed the pending claims and the cited prior art. Specifically, Applicant's undersigned representative submitted that the cited prior art fails to teach the claimed invention, where the precision level of image quality is selected prior to the image processing or summation. Namely, the Greenly reference was discussed and Applicant's representative argued that this reference taught conducting an analysis on the image data, prior to the precision level being determined. (This is discussed more fully below). Additionally, Applicant's representative questioned the combination of the cited references.

At the conclusion of the interview, Applicant's representative discussed amending the claims to make this aspect of the claimed invention clearer, and the Examiner agreed that this would be beneficial. Further, the Examiner agreed to reevaluate the rejection of the claims in light of the amended claims.

Accordingly, Applicant has amended claims 1, 7, 13, 19-24, as set forth in the previous section, and submits that for the reasons set forth in the interview, the pending claims are allowable over the prior art of record.

Foreign Priority:

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office.

Applicant also thanks the Examiner for acknowledging that the certified copy of the priority document had been received, during the telephonic interview.

Drawings:

Applicant thanks the Examiner for indicating that the drawings filed with the present application have been approved.

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO/SB/08 A & B filed on July 31, 2003, thus indicating that the initialed reference listed thereon has been considered.

Request for Initialed Reference:

As also indicated during the interview, Applicant notes that one of the references (i.e. the Japanese Abstract) on the above Form PTO/SB/08 A & B was not initialed by the Examiner. During the interview, the Examiner indicated that this was an oversight, and the reference would be initialed. Applicant thanks the Examiner, in advance, for initialing and returning the IDS form to indicate that this reference was considered.

Claim Amendments:

Applicant notes that claims 1, 7, 13, 19-24 have been amended. However, Applicant notes that the above referenced claim amendments have been made to merely clarify the claimed

invention and are not intended to narrow the original scope or spirit of the claims in any way.

Applicant submits that the amendments to the claims have not narrowed the original scope of the claims, but have simply clarified the claimed invention.

Claim Rejections:

Claims 1-24 are all of the claims pending in the present application, and currently all of the claims stand rejected.

35 U.S.C. § 112, 2nd Paragraph Rejection - Claims 1-24:

Claims 1-24 stand rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. Applicant has amended claims 1, 7, 13, 19-22 and 24 as shown in the previous section and submits that the claimed invention is clear to a skilled artisan.

Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 112, 2nd paragraph rejection of the claims 1-24.

35 U.S.C. § 103(a) Rejection - Claims 1-18:

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,597,471 to Yoshikawa in view of U.S. Patent No. 3,496,543 to Greenly. In view of the following discussion, and the arguments presented during the telephonic interview, Applicant respectfully traverses the above rejection.

As an initial matter, Applicant again questions the combination of the above references. Specifically, Yoshikawa is directed to printing image data, while Greenly is directed to scanning and recognizing text and images in a document. Although Applicant recognizes a tangential relation between these references, Applicant submits that a skilled artisan would not have found

it obvious to combine the references as suggested by the Examiner, to reach the claimed invention.

However, additionally and independently, Applicant submits that even if the references were combined the resultant combination would fail to teach or suggest each and every feature of the claimed invention. Specifically, as previously argued, Greenly (on which the Examiner primarily relies) is directed to scanning text and images. During scanning, Greenly conducts a summation process on the scanned data to determine if the scanned data can be recognized, and if it is not recognized the scanned image is then placed in the data. Applicant submits that this is opposite of the present invention.

As discussed during the interview, and now shown clearly in the claims, the present invention selects one of, at least two, summing processes initially and then conducts the summation. Thus, the present invention is more efficient than Greenly, because Greenly conducts an analysis first before determining which of two types of data (stored or scanned) to select.

Additionally, because the present invention determines the existence of thumbnail data first, the present invention also determines whether one of the data processes is available, before making a selection. There is no such disclosure in the prior art of record.

In view of the foregoing, Applicant submits that (1) a skilled artisan would not have found it obvious to combine the above references, and (2) even if the above references were combined they would fail to teach or suggest each and every feature of the claimed invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of

obviousness as required under the provisions of 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of claims 1-18.

35 U.S.C. § 103(a) Rejection - Claims 19-24:

Claims 19-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa in view of Greenly, and in further view of U.S. Patent No. 6,016,354 to Lin et al. However, as these claims contain similar limitations as claims 1, 7 and 13, and because Lin fails to cure the deficient teachings of both Yoshikawa and Greenly, Applicant submits that these claims are also allowable, at least by reason of their dependence.

With regard to claim 23, Applicant notes that this claim has not been amended with all of the amendments similarly used in claims 19-22 and 24. However, because of the existing language of this claim, Applicant submits that no such amendment is necessary. Specifically, Applicant notes that this claim requires “selecting image data from a memory card recording thereon the image data including an original image data in a compressed form and further selecting the quality of image processing,” and “reading said selected image data out of said memory card and thereafter, judging whether said image data have thumbnail data in addition to the original image data,” and further “selecting either statistical calculation by acquiring thumbnail data from said image data or statistical calculation by sampling said original image data, on the basis of the result of the judgment on the presence or absence of thumbnail data and said selected quality.” Thus, the original claim language indicates that in this claimed embodiment the selection between statistical calculation by acquiring thumbnail data from the

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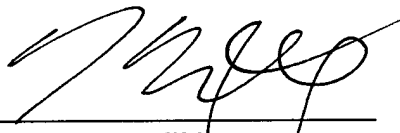
image data or statistical calculation by sampling the original image data, is “on the basis of the result” of the judgment on the presence or absence of thumbnail data and the selected quality.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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